

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RICHARD GOMOLL,)
Plaintiff,)
v.) 1:04CV00857
LANDURA MANAGEMENT COMPANY, INC.,)
and LANDURA MANAGEMENT ASSOCIATES)
LIMITED PARTNERSHIP, and SITE)
SERVICES COMPANY, L.L.C.,)
Defendants.)

O R D E R

On March 11, 2005, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636.

Therefore, the Court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that defendants' motion to dismiss plaintiff's third cause of action (docket no. 17) is granted to the extent that plaintiff's claim relies on a theory of termination in violation of the Family Medical Leave Act (FMLA), but denied to the extent that the claim relies on termination in violation of North Carolina's Workers' Compensation Act (WCA) and/or Retaliatory Employment Discrimination Act (REDA).

This the 28th day of April, 2005.

/s/ N. Carlton Tilley, Jr.
United States District Judge